IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

Crl.MC.No. 1673 of 2007()

PETITIONER:

SINDHU BABU, BINDHU BHAVANAM VEEDU,
MANGAD, ELAMANOOR MURI,ENADIMANGALAM VILLAGE,
ADOOR.

BY ADV. SRI.ARUN.B.VARGHESE

RESPONDENTS:

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1. STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. THE ASSISTANT EXCISE COMMISSIONER,
PATHANAMTHITTA.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 1673 OF 2007

Dated this the 30th day of May, 2007

ORDER

The petitioner is the owner of a vehicle which was seized in connection with an abkari offence. Proceedings under Sec.67B of the Abkari Act were initiated. Application under Sec.451 of the Cr.P.C. was allowed and the vehicle now remains in the custody of the petitioner on the strength of a bond executed by her undertaking to abide by the conditions.

2. Subsequently, an order under Sec.67B of the Abkari Act has been passed confiscating the vehicle. The learned Magistrate, in these circumstances, issued directions to the petitioner to surrender the vehicle released to her. The petitioner has come to this Court pleading ignorance about any such order under Sec.67B. In any case, it is now admitted that a copy of the order has by now been served on the petitioner. The petitioner's prayer now is very limited. She prays that she may be given breathing time to prefer an appeal under

Sec.67E of the Abkari Act and secure interim orders. In the meantime, the order directing production of the vehicle before the learned Magistrate may not be enforced, it prayed.

3. In the circumstances of this case, I am satisfied that the petitioner can be given some time as prayed for. This Crl.M.C. is, in these circumstances, allowed and it is directed that the learned Magistrate shall not enforce the direction to produce the vehicle before 30/6/07. It shall be open to the petitioner, in the meantime, to prefer an appeal and secure interim orders and move the learned Magistrate on the strength of such interim order, if any, to show that the vehicle is not liable to be re-possessed now.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge